6000645/2022/SEC-IV-EFS01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Andhra Pradesh Forest Department – Illegal mining of Laterite in Compt. No.632 of Thotapalli Reserve Forest, Yeleswaram Range in East Godavari District – Irregularities noticed – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 against **Sri B. Vijaya Ratnam, Forest Section Officer (Retd),** formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle - Articles of Charges – Issued - Regarding.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (SEC.IV) DEPARTMENT

G.O.Rt.No.55 **Dated:09.06.2022**

Read the following:-

1)From the Director General, Vigilance & Enforcement Department, Vigilance Report No.06 (C.No.1563/V&E/NR.1/2015), dated 21.01.2018.
2)Memo.No.887/Sec.IV/A1/2018-4, EFS & T (Sec.IV) Dept., dated 01.01.2019.

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ORDER:

In pursuance of the sanction accorded by the Government under sub-clause (1) of clause (b) of sub-rule (2) of Rule 9 of the Revised Pension Rules, 1980 for instituting departmental proceedings against Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle vide Memo.No.887/Sec.IV/A1/2018-4, EFS&T (SEC.IV) dept, dated 01.01.2019, it is proposed to hold an inquiry against Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CC & A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of Charge (Annexure-II). A list of documents by which, and a list of witnesses by whom, the Articles of Charges are proposed to be sustained are also enclosed (Annexure III and IV).

3. Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle is directed to submit, within 10 days of the receipt of this order, a written statement of his defence and also to state whether he desires to be heard in person.

4. Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle is informed that an inquiry will be held only in respect of those Articles of Charges are not admitted. He should, therefore, specifically admit or deny each Articles of Charge.

5. Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle is further informed that if he does

[P.T.O]

not submit his written statement of defence or before the date specified in para 3 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (CC & A) Rules, 1991, or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him exparte.

6. The receipt of Government Order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle (through the Principal Chief Conservator of Forests & HoFF, Andhra Pradesh, Guntur)

Copy to:
The Principal Chief Conservator of Forests & HoFF, Andhra Pradesh, Guntur. (He is requested to serve the order on the individual, obtain his dated acknowledgment on the duplicate copy and resubmit the same to Government for record)
SF/SC (Computer No.1012303)

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI B. VIJAYA RATNAM, FOREST SECTION OFFICER (RETD), FORMERLY WORKED AS FOREST SECTION OFFICER, SANKHAVARAM SECTION, YELESWARAM RANGE OF KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE.

That the said Sri B. Vijaya Ratnam, Forest Section Officer (Retd.), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle from 20.12.2013 to 03.12.2016 had committed the grave misconduct and irregularities as mentioned in the following Article of charges.

ARTICLE: "That he had shown gross negligent attitude in attending his legitimate duties of Forest protection and he had neglected to inform his superiors regarding illegal mining for laterate was carried out in Compartment No.632 of Thotapalli Reserve Forests, Kothuru Beat, Sankavaram Section, Yeleswaram Range of Kakinada Division and he had failed to inform the noticed excavations wild erecting pillars in Compartment No.632 of Thotapalli Reserve Forests, during the year 2014.

He had Booked Offence Report regarding illegal mining after V&E Dept enquiry only. Accordingly he failed to discharge his legitimate duties as per Rule no. 156 of AP Forest Department Code volume-1 and also violated the provisions of the A.P. Forest Act, 1967, Forest Conservation Act, 1980 as well Circular instructions issued by the Prl. CCF, AP, Hyderabad in Circular No. 13/1995."

That, Sri B. Vijaya Ratnam, Forest Section Officer (Retd), formerly worked as Forest Section Officer, Sankhavaram Section, Yeleswaram Range of Kakinada Division of Rajahmundry Circle by his above mentioned acts has exhibited lack of integrity, discipline and devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3 (1) of the A.P.C.S. (Conduct) Rules, 1964. **Hence the charge**".

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE – II

STATEMENT OF IMPUTATIONS AND MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI B. VIJAYA RATNAM, FOREST SECTION OFFICER (RETD), FORMERLY WORKED AS FOREST SECTION OFFICER, SANKHAVARAM SECTION, YELESWARAM RANGE OF KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE FOR THE PERIOD FROM 20.12.2013 TO 03.12.2016

ARTICLE: "That he had shown gross negligent attitude in attending his legitimate duties of Forest protection and he had neglected to inform his superiors regarding illegal mining for latarite was carried out in Compartment No.632 of Thotapalli Reserve Forests, Kothuru Beat, Sankavaram Section, Yeleswaram Range of Kakinada Division and he had failed to inform the noticed excavations while erecting the pillars in compartment No.632 of Thotapalli Reserve Forest during the year 2014.

He had Booked Offence Report regarding illegal mining after V&E Dept enquiry only. Accordingly he failed to discharge his legitimate duties as per Rule no. 156 of AP Forest Department Code volume-1 and also violated the provisions of the A.P. Forest Act, 1967, Forest Conservation Act, 1980 as well Circular instructions issued by the Prl. CCF, AP, Hyderabad in Circular No. 13/1995.

Basis of the charge:-

On a allegation/compliant against "M/s. Parameswari Minerals floated by Sri P. Ramakrishna in the name of his benami Sri P. Hari Krishna have taken a Mining lease at Chintaluru (V) over an extent of 17.00 acres, but the firm was excavated Laterite in Reserve Forest over an extent of 57.00 acres in Gajjanapudi Village, Yeleswaram Range of Prathipadu (M) by tampering the Village maps and Chintaluru and Gajjanapudi Villages in collusion with the Departmental Officials, and excavated the Laterite illegally around 37,00,000 Mt thereby causing loss of around of 150.00 Crores to the State exchequer", the Vigilance & Enforcement Department officials of Rajamahendravaram unit have took up the enquiry and verified the along with the Officials of the Survey and Land Records, Revenue, Mines & Geology and Forest Department inspected mining lease area of M/s. Parameswari Minerals in Sy. No. 262/1 of Gajjanapudi (V), Prathipadu (M) and conducted the joint survey with the help of filed measurement books (FMBs), Village Revenue maps of Chintaluru, K. Kothapalli and Gajjanapudi by using ETS machine, Autocad, Bhumithi and Lat Long convertor software's for a period of (11) days in between 18-11-2015 to 05-12-2015.

The Vigilance & Enforcement Department has pointed out the certain irregularities in negligence of duty, inaction to prevent illegal mining activities in Compartment No. 632 of Thotapalli Reserve Forest and intentionally allowed M/s. Parameswari Minerals to excavate Laterite in the Reserve Forest and recommended to the Government for initiation of disciplinary action against the Forest officials / staff concerned and submitted a report to the Government in Vigilance report No. 06 (C.No.1563/V&E/NR.1/2015, dated 21-01-2018.. On the irregularities pointed out by the Vigilance and Enforcement Department, the Government vide memo No.887/Sec.IV/A1/2018-5 EFS&T (SEC. IV) dept, dated 01-01-2019 have decided to initiate common disciplinary action against the concerned Asst. Beat Officers, Forest Beat Officers, Forest section Officers, Forest Range Officers and Sub- Divisional Forest Officers of Kakinada division who have been responsible for the said irregularities and issued orders accordingly.

The V&E enquiry report revealed that on 25-03-1994 M/s. Parameswari Minerals had applied for grant of mining lease for Laterite over an extent of 50.00 acres in Sy. No. 262/1 of Gajjanapudi Village of Prathipadu Mandal for a period of 20 years. After thorough inspections and Survey of land by both the Revenue, Mines & Geology Department, the Government vide G.O.Ms.No.119, dt. 16-05-1997 has granted mining lease over an extent of 17.59 acres for a period of (20) years in favour of M/s. Parameswari Minerals in Sy. No. 262/1 of Gajjanapudi Village, Prathipadu Mandal, E.G.Dist.

It is also observed that in the V&E report that on a compliant petition filed by Sri T. Trinadha Reddy and others alleging that the existing mining lease holder M/s. Parameswari Minerals had carried out illegal mining operations in Sy. No. 262/1 of Gajjanapudi (V) in the area applied by them, certain inspections and surveys were taken by both the Revenue and Mines & Geology Departments and noticed that it was necessary to rectify the discrepancies pointed out in the plotted sketches prepared by both the Revenue and Mines & Geology Departments and issue revised orders. The further inspection team along with registered person of Indian Bureau of Mines has surveyed the area and reported that the actual plotting has been done and rectified the mistake and shown that the area granted to M/s. Parameswari Minerals and the area presently where they are working are one and the same. Accordingly, modified orders were issued vide G.O.Ms. No.93 Industries & Commerce (M.III) dept, dt. 27-03-1998 and ordered that where the works "Gujjanapudi" Village are occurring in the G.O.Ms.No.119, dt. 16-05-1997, the words falling in "North-West of Chintaluru Village" shall be inserted. Subsequently on a further compliant petition against the above firm, the Director of Mines & Geology, AP has deputed special surveyor. The special team conducted inspection from 18-01-2002 to 02-02-2003 and submitted report. As per the field observations, the area occupied with boundary Pillars by the M/s. parameswari Minerals is totally different from location shown in the revised sketch vide G.O.Ms.No.93, dt. 23-03-1998 which is executed on 01-04-1998. The total excavations of Laterite by the lease holder is deviated to the location shown in executed map and falling in Sy. No. 01 of Chintaluru Village in North side adjacent to Gajjanapudi Village boundary as shown in the combined map. Further, the Asst. Director of Mines & Geology, Rajahmundry has considered (3) mining lease applications from 2008 to 2012 in Sy. No. 262/1 of Gajjanapudi Village and when inspection of the land by the survey team on 25-09-2014 observed that no excavation was carried out in the mining lease area held by M/s. Parameswari Minerals in the demarcated area and that mining operations were conducted in Thotapalli Reserve Forest adjacent to Gajjanapudi North side boundary.

In this regard, the team of surveyors have fixed the boundaries of the mining lease area with the help of boundary line of Thotapalli RF basing on the rectified sketches as per G.O.Ms.No.93, Industries and Commerce (M.III) dept, dt. 27-03-1998 and the following observations are made:

a. M/s. Parameswari Minerals had not taken up the mining operations for Laterite in Sy. No. 262/1 of Gajjanapudi Village, Prathipadu (M) as per rectified sketches approved vide G.O. Ms. No. 93 Industries and Commerce (M.III) dept, dt. 27-03-1998. Instead of that, M/s. Parameswari Minerals had conducted mining operations for Laterite in the North side of the granted mining lease area which falls in Sy. No.1 of Chintaluru Village of Prathipadu Mandal which is found to be part of Compartment No. 632 of Thotapalli Reserve Forest.

b. There are (6) nos. of RCC boundary pillars erected around the Forest boundary line in Compt. No. 632 of Thotapalli RF by Forest Officials of Yeleswaram Range vide RSO. No. 25/2013-14 during the period from

23-02-2014 to 28-02-2014. Out of which the erected pillars, the Pillar Nos 19 and 20 are passing through the excavated area of M/s. Parameswari Minerals. But the Forest officials, who executed the above boundary pillars, did not report about the notice of excavated pits for Laterite in Comp. No. 632 of Thotapalli RF.

c. As per findings of the joint survey, the total excavations were carried out by M/s. Parameswari Minerals over an extent of 18.55 acres and excavated 9,94,885.5 Mt of Laterite other than the lease area including area of compt. No. 632 of Thotapalli RF.

d. Thus, the lease holder is liable to pay double the market value for illegal excavation / transportation of Laterite other than the leased area under Rule 26 (2) of the A.P. Minor Minerals concession Rules, 1966 vide G.O.Ms.No.37, Industries and Commerce Dept, dt. 14-05-2016.

e. The market value of Rs. 300/- is considered for cement grade Laterite based on the monthly returns submitted by M/s. Mahaswari Minerals which is a sister concern firm of M/s. Parameswari Minerals having lease area in the vicinity as furnished by the Asst. Director, Mines & Geology, Rajamahendravaram in his letter No. 2763/M/1997, dt. 21-05-2016. The details are as tabulated hereunder.

Quantity excavated illegally in cum	Market value in Rs.	Penalty as per Rule 26 (2) of APMMC Rules- 1966 (amended vide G.O. Ms. No. 37, dt. 14-5-2016.		Total amount to be paid in Rs.
		Double the market value per cum of Laterite in Rs.	Fine in Rs.	
9,94,885.5	300	(2x300) = 600	5,00,000/-	59,74,31,300/-

a. It is pertinent to note that the identified excavated area in the present survey conducted by the Vigilance and Enforcement Department is almost the same which was identified by the check-survey team during 2003 (from 18-01-2002 to 02-02-2003) under the supervision of Sri U. Ramanamuthy, AMO, O/o. Director, Mines and Geology Department.

b. The Forest Department Officials who attended the joint survey conducted by the Revenue, Mines & Geology and Forest Department with effect from 18-11-2015 to 05-12-2015 have observed that the excavated pits extended into Thotapalli R.F. area beyond the Cairns erected by the Forest Department. But, the Forest Department Officials had refused to sign to signed the map prepared incorporating the survey results which were compiled with their participation and presence. The Forest Department officials have not even accepted their own Forest cairns erected during 2014 as Forest boundary. Instead of this, the Forest Department has filed a case against Sri P. Ramakrishna, Managing partner, M/s. Parameswari Minerals in Prathipadu Police Station on the allegation of illegal mining in the Thotapalli R.F.

c. The further enquiry and verification of records revealed that the total area of Thotapalli R.F. is 694.63 hectares comprising (3) compartments 631, 632 and 633. An area of 346.53 ha. in Comp. No. 631 was allotted to Rajavaram VSS in the year 1996 and the area of

140.08 ha. in Comp. No. 633 was allotted to Thotapalli VSS in 1998. But the area of 208.02 ha. in Comp. No. 632 is not allotted to any VSS by the Forest Department.

d. The Forest Range Officer, Yeleswaram has lodged a complaint with the Station House Officer, Prathipadu Police Station against Sri P. Ramakrishna, Managing Partner of M/s. Parameswari Minerals for damage, theft of Government property, altering the Forest boundaries and causing huge loss to the Government property in a fraudulent manner with Criminal intention under relevant sections of IPC and Cr. PC. It was alleged that illegal mining operations were conducted in the Comp. No. 632 of Thotapalli RF by M/s Parameswari Minerals represented by Sri P. Ramakrishna and 6,00,000 Mt of Laterite was excavated and transported by the lease holder between 1997 to 2005 in violation of the A.P. Forest Act, 1967 and A.P. Forest conservation Act, 1980. The SHO, Prathipadu has registered a Crime case vide FIR. No. 3/2016 on 05-01-2016 u/s. 447, 379 and 420 IPC and it is under investigation.

e. The alleged accused in the above Crime Sri P. Ramakrishna, Mg. Partner of M/s. Parameswari Minerals approached the Hon'ble High Court and filed W.P. No. 1102 of 2016. The Hon'ble High Court has issued orders on 12-01-2016 that "the investigation in Crime No. 3 of Prathipadu Police Station, East Godavari shall continue. However, the petitioner shall not be arrested in the meanwhile". The case is still pending for adjudication.

Hence, in view of the findings of the V&E Department that the allegation that "M/s. Parameswari Minerals excavated Laterite in other than the leased area is substantiated against the charged officer herein.

Duly summing above and as per detailed report of findings of the V&E, the following irregularities are forthcoming in the entire episode of the case:-

1) Mining lease was granted over an extent of 17.50 acres in Sy. No. 262/1 of Gajjanapudi Village in favour of M/s. Parameswari Minerals vide G.O.Ms.No.119, dt. 16-09-1997. The same was executed by the Assistant Director of Mines & Geology, Rajamahendravaram who issued work order with sketch vide Proceedings No. 2163/M/1997, dt. 24-05-1997.

2) Subsequently the executed sketch was rectified due to wrong plotting by the then Surveyors of Mines & Geology and Revenue Department vide G.O.Ms.No.93, dt. 27-03-1998.

3) The modified sketch was tailor-made by Mines & Geology Department to facilitate the lessee for conducting mining operations in that area. This is evident from the following observations.

a. As per original sketch, no abundant Laterite was available in the area in question in pursuance of G.O.Ms.No.119 of Industries and Commerce Department as the area spreads in the Valley.,

b. The modified area in pursuance of rectification vide G.O.Ms.No.91 Industries and Commerce Department is also in the same shape with horizontal orientation having the same area of 17.59 acres which is exactly as per the sketch enclosed to G.O.Ms.No.119, dt. 16-05-1997.

c. But the mining operations were neither taking place at the executed sketch nor at the rectified sketch.

d. The Revenue Officials have given NOC to the original executed sketch only. No further NOC was issued by the Revenue Officials for the rectified sketch.

e. Issuing "accidental slip" is also irregular.

4) The mining operations were not being conducted at both the places i.e. initial executed or at the rectified sketch areas whereas the mining operations were actually done in Sy. No. 01 of Chintaluru (V) and Thotapalli Reserve Forest. But none of the Officials of Mines & Geology and Revenue Departments, who had inspected the mining lease area with regard to various complaints and surveys, reported to their higher authorities.

5) During the period of inspection from 18-01-2003 to 02-02-2003, the survey team had conducted check survey based on a petition and reported that:

"the area occupied by M/s. Parameswari Mineral is totally different from location shown in the revised sketch vide G.O.Ms.No.93, dt. 27-03-1998 which is enclosed to the leased deed executed on 01-04-1998. Further, the total excavation of Laterite Mineral by lease holder is deviated to the location shown in executed map and falling in Sy. No. 01 of Chintaluru Village in northern side adjacent of Gajjanapudi Village boundary".

Further they have submitted their survey report to all the concerned. Despite noticing the illegal mining operations by M/s. Parameswari Minerals, yet the concerned mining authorities allowed M/s. Parameswari Minerals to continue the mining operations till 06-09-2005.

6) The Director of Mines and Geology who had constituted the check survey team had not taken any further action except lodging the check survey report. Despite the receipt of check survey report, he failed to submit the remarks on the points of appeal petition of M/s. Parameswari Minerals as desired by the Government, thereby abetted the lease Company, to continue with illegal mining operations. Had the check survey report along with remarks been sent to the Government or instruct the Asst. Director, M&G to top the illegal mining which has come to his notice, further illegal mining by M/s. Parameswari Minerals of about 4,00,000 Mt of Laterite would have been stopped.

7) The primary responsibility of protection of Reserve Forest rests with the Forest Beat Officer, Forest Section officer, and the Forest Range officer. They are responsible for protection and Forests by way of periodical inspections and submission of reports. Thus, they are responsible for reporting illegal mining activities in the Reserved Forests. But in the present case, the Forest Department Officials had failed to discharge their legitimate duties.

8) During 2013-14 a joint survey was conducted by the Asst. Director of Mines & Geology, Rajahmundry, Revenue Officials of Prathipadu and the staff of Office of the Director, SLR, Kakinada on receipt of (3) fresh mining lease applications for Laterite from a) Sri P. Veerabhadra Rao, b) S.V. Narasimha Padal and c) Y. Rama Mohana Rao. The Survey was completed on 25-09-2014 and team had failed to report the illegal mining noticed in Sy. No. 01 of Chintaluru Village of Prathipadu Mandal.

9) In the sketch enclosed to application for mining lease by M/s. Parameswari Minerals on 25-03-1994, it was clearly indicated that the proposed mining lease area of 50 acres is just adjacent to Thotapalli Reserve Forest. They should have protected the Forest boundary by erecting cairns / boundary stones as per the Gazette notification, in case no such

demarcations were readily available on the ground. But they have failed to do so.

10) M/s. Parameswari Minerals had conducted mining operations from 1997 to 2005 and it is established that M/s. Parameswari Minerals had excavated Laterite in the area other than allotted. Number of surveys were conducted by constituting survey teams from 03-10-1997 to 06-10-1997, 28-10-1997 to 29-10-1997, 18-01-2003 to 02-02-2003, 26-07-2012 to 18-09-2012, 01-12-2013 to 20-12-2013, 09-07-2014 to 03-09-2014 and 18-11-2015 to 05-12-2015 in connection with allegations of illegal mining. But surprisingly till 2013 no participation of any Forest officials is noticed in any of the surveys.

11) Among the above surveys conducted from 03-10-1997 to 06-10-1997 by the Mandal Deputy Surveyor, Prathipadu and Sri N. Challalu, Surveyor, Mines & Geology Department revealed that, M/s. Parameswari Minerals demarcated the leasing area with peg marks and rock stones coloured in Red duly numbered from "A to R" and was conducting mining operations. The demarcated area happened to be in Compartment No. 632 of Thotapalli R.F. But, the Forest Department Officials has supposedly failed to notice such illegal mining operations by M/s. Parameswari Minerals in the Forest area and no action was initiated.

12) The Forest Department officials erected boundary Cairns in 2014 around compartment No. 632 in Thotapalli R.F in which two of the cairns happen to pass through the illegal mined area of M/s. Parameswari Minerals. But no action was initiated by the Forest Department officials despite noticing encroachment into the Reserve Forest.

13) The Forest Department officials at the request of the V & E Department, Rajamahendravaram unit had attended the joint survey conducted by the Revenue, Mines & Geology and Forest Department officials with effect from 18-11-2015 to 05-12-2015. They have observed that the excavated pits extended into Thotapalli R.F. area beyond the Cairns erected by the Forest Department. But the Forest Department officials refused to sing the map prepared incorporating the survey results which were complied with their participation and presence. They did not even accept their worn Forest cairns erected during 2014 as Forest boundary. But they have filed a case against Sri P. Ramakrishna, Managing partner of M/s. Parameswari Minerals in Prathipadu Police Station on the allegation of illegal mining in the Thotapalli R.F.

14) Having allowed illegal mining by M/s. Parameswari Minerals in the Reserve Forest area from 1997 to 2005, it is only after confirmation of illegal mining of M/s. Parameswari Minerals by the Vigilance & Enforcement Department officials through the joints survey conducted i.e. from 18-11-2015 to 05-12-2015, the Forest officials have filed a Criminal Case about the illegal mining in 5.71 hec. Area in Thotapalli R.F. on alleged violation of A.P. Forest Act, 1967 and Forest Conservation Act, 1980.

As per the Rule 156 of AP Forest Department Code, Volume 1, the Forest Section Officer has to attend his duties as follows,

- A Section Officer (Forester) is directly responsible to Forest Range Officer for the proper protection of forests and other Government property included in his section and for the execution of such works as may be ordered to be carried out in fit.

- He should maintain the discipline of Forest Guards and Watchers and see that they know their duties and carry out efficiently.

- He should be frequent patrolling and perambulation of the Beats under his jurisdiction, see that the Beat Guards maintain the boundary lines and boundary marks of forest blocks in proper repairs and order and take steps to prevent illicit felling, encroachments in the Beats. He will make report to Range Officer whenever there is any illicit fellings and encroachments giving the details.

- He will assist the Range Officer in the Execution of works, detection and investigation of forest offences, checking of forest produce in transit, and assist in other works.

- He should see that the Preliminary Offences report in respect of forest offences detected by him and his Beat Guards are promptly sent to the Range Officer and the Divisional Forest Officer.

The Forest Department officials erected boundary Cairns in 2014 around compartment No. 632 in Thotapalli Reserve Forest in which two of the cairns happen to pass through the illegal mined area of M/s. Parameswari Minerals. But the charged officer had failed to inform to his higher authorities despite noticing encroachments into the Reserve Forest.

The charged officer had noticed excavated area and also transportation of mined mineral through reserve forest road from Chintualru village while he had participated in joint survey done by survey team of Revenue, Mines Department in presence of V&E Officials.

After he noticed the violations, he along with his staff registered a case against the above violations and submitted to his Forest Range Officer for necessary action. Which was shown his failure for not booking the Case before inquiry of the V&E authorities.

The charged officer who was vested with the responsibility of conservation of Forests under section 2 of Forest Conservation Act, 1980 and also as per para 156 of AP Forest Departmental code vol. (1). But, he failed to discharge his legitimate duties.

As per item (A) (iii) of Circular No. 13 / 1995 a Forest Section Officer, shall inspect beat under his jurisdiction thoroughly and regularly. However, vulnerable areas thereof shall be inspected more frequently.

While carrying out the work of RCC boundary pillars (06) Nos. around the forest boundary in compartment no. 632, the charged officer should have noticed the excavation and illegal encroachment. Had the charged officer, perambulated the beat frequently he might have noticed the excavation. But he had failed to discharge his legitimate duties as per the Circular No. 13 / 1995.

In the compartment no. 632 of Thothapalli R.F., in which illegal mining activities were carried out about (8) Years past in the forest area, and about 6, 00,000 MT Laterite was transported from that area, the charged Forest Section Officer, unable to notice the same. It was only during the V&E Department Joint survey during 18.11.2015 to 05.12.2015, that the illegal mining operations in the said Forest area came to light. The Charged Officer has not noticed and reported the lapses subsequently during his period of working.

The primary responsibility for protection of Reserved Forests rests with the concerned forest subordinate staff. The charged officer is responsible for protection of forests by way of periodical inspections and submission of reports having in his section jurisdiction. But, in the present case, the charged Forest Section Officer, had failed to discharge his legitimate duty and failed to attend the duties and responsibilities of Forest

Beat Officer as envisaged as per para 156 of A.P. Forest Code Vol. 1. **Hence the charge.**

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. VIJAYA RATNAM, FOREST SECTION OFFICER (RETD), FORMERLY WORKED AS FOREST SECTION OFFICER, SANKHAVARAM SECTION, YELESWARAM RANGE OF KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE ARE PROPOSED TO BE SUSTAINED.

Director General (V&E) & E.O. Prl. Secretary to Govt. (FAC), G.A.D (V&E) Department, Government of A.P, Velagapudi, Amaravathi Vigilance report No. 06 (C.No.1563 / V&E / NR.1 / 2015, Dated 21-01-2018

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

6000645/2022/SEC-IV-EFS01

ANNEXURE – IV

LIST OF WITNESSES BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. VIJAYA RATNAM, FOREST SECTION OFFICER (RETD), FORMERLY WORKED AS FOREST SECTION OFFICER, SANKHAVARAM SECTION, YELESWARAM RANGE OF KAKINADA DIVISION OF RAJAHMUNDRY CIRCLE ARE PROPOSED TO BE SUSTAINED.

The concerned officials of the Vigilance and enforcement department of Rajamahendravaram unit who have inspected the illegal mining area in Comp. No. 632 of Thotapalli R.F, Yeleswaram Range of Kakinada Division.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER